

Bailey, Marcia

From: A. SMITH Privacy FOIA (b) (6)
Sent: Monday, February 10, 2014 2:03 AM
To: Michael Kuntz
Cc: Nnamdi Madakor; David Bricklin; Bailey, Marcia; A. SMITH
Subject: RE: Performance/Confirmation Sampling at Smith Property--- Seeking your comment by February 10th

Importance: High

Mike,

I must say, I find the upshot of Piper's statements to be truly disgraceful.

This team, RW/Landau, voluntarily signed on to take full responsibility for nothing less than the total remediation of this site. They did so in consideration of the financial benefits that would accrue to them, which has been realized and then some as, through foot-dragging and plan-changes, what they originally predicted would take 18 months is now moving into year six of a nonstop underlying funding-flow for their project. Throughout this time their attempted avoidance of necessary and reasonable tasks and responsibilities along the way has been chronic. All that is being asked of them now is that the accepted means of testing, that has gone on routinely throughout the project, be utilized at the end to demonstrate completion of the task. And what we're now hearing is that they 'don't want to have to convincingly demonstrate that the Smith property is actually clean in the end'.

How in the world they could expect that anyone would seriously consider allowing them to walk away without a final testing to confirm a claimed state of completed remediation is utterly beyond me. Does it seem at all likely that a Judge would find this 'reasonable'? Would a notified Neighborhood Council say "Yes, they tested a few times much earlier, so lets just 'assume' that it is *probably* clean and not ask them to perform that one, final test to confirm that the task has in fact been completed." Personally, I am just stunned by the obviousness of this attempt, once again, to shirk another key element of this undertaking that they were only allowed to voluntarily take on under the collective agreement that they would *demonstrably* complete it!

I am requesting that Ecology require a final, full-on, confirmational sampling/testing including sub-slab vapor sampling and in home air sampling in both the main house basement and the ground flr of the addition, and involving breathing zone (five ft) testing as has been previously required, and adjacent sewer-entry placement as well.

As for Roelen's demand for Ecology to "provide justification" -- at the end of any six year long cleanup of a chemical spill in a closely-built urban neighborhood and directly involving private residential contamination, ANY rational person would regard a final testing to determine conclusively that the original project-goals have been achieved to be absolutely legitimate and reasonable; and that is all the justification that anyone should need. In fact, even the *request* 'not to have to' sounds to me like the blatant admission of a continuing fear on the part of Landau and Riddell Williams that the job has still not yet been accomplished.

Sincerely,
Aaron Smith
Privacy FOIA (b)

-[1 of 3]-

From: mkun461@ECY.WA.GOV
To: P; bailey.marcia@epa.gov
Subject: FW: Performance/Confirmation Sampling at Smith Property--- Seeking your comment by February 10th
Date: Tue, 4 Feb 2014 16:00:32 +0000

Hello

Please find in the e-mail below the consultant's proposed performance/conformational air sampling at Aaron's home associated with remediation of the right-of way based on his understanding of a telephone conversation with me. Please provide to me your comment by February 10th on the proposed performance/conformational sampling. The consultant's assumption of no conformational sampling at Aaron's house carries the tacit assumption that conformational soil sampling results in the right-of way and on the Heaven Supply Property after remediation of the right-of-way are all below cleanup levels. On the contrary, if conformational soil sampling results in the in the right of way were above the cleanup levels the remedy would be a containment remedy under MTCA and the soil vapor pathway would have to be addressed by further indoor air monitoring of Aaron's house in addition to institutional controls in the right-of way. I believe the consultant's plan also carries tacit assumption that indoor air sampling in Aaron's home would not occur after terminating the soil vapor extraction system associated with a successful cleanup of the right-of way. Please also base your comment based on the above paragraph.

If you have questions please do not hesitate to contact me.

Sincerely

Mike

From: Piper Roelen [mailto:proelen@landauinc.com]
Sent: Monday, February 03, 2014 5:11 PM
To: Kuntz, Michael G. (ECY)
Cc: DeYoung, Mindy L.; Dunn, Loren
Subject: Performance/Confirmation Sampling at Smith Property

Mike,

Thank you for providing Ecology's contingent approval for the Addendum to the Cleanup Action Plan/Engineering Design Report dated December 27, 2013 (Addendum).

We understand and concur with Ecology's condition of moving the borehole on Heavens Supply property 10 feet southward to the extent possible. As requested by Ecology, please find attached a revised figure showing proposed soil confirmation sampling locations. The new location shown on the Heavens Supply property is in accordance with Ecology's condition.

Regarding Ecology's exclusion on the contingent approval of required performance and confirmation air sampling at the Smith property, we have the following comments:

Consistent with Ecology's exclusion and our telephone conversation on January 29, 2013, the following is our plan for performance air sampling at the Smith property during the Greenwood Avenue North right-of-way (ROW) cleanup:

- With Mr. Smith's approval, performance air sampling will be performed on a weekly basis at the Smith property during the ROW cleanup. Performance sampling will consist of collecting 24-hour sample in a Summa canister placed adjacent to the floor drain in the basement of the main house.
- Additionally, one Tedlar bag sample will be collected from sub-slab vapor monitoring point VP-1 one time at approximately half way through the ROW cleanup.

- Sample collection and laboratory analysis procedures will be performed as detailed in the Addendum. Please let us know if you concur with this plan for performance sampling at the Smith property.
- Regarding Ecology's exclusion regarding confirmation sampling at the Smith property after completion of the ROW cleanup, it is our position that since confirmation soil and air sampling was completed on the Smith property in December 2013 under existing site conditions (i.e., with contamination remaining in ROW soil) which indicated that the soil vapor pathway is not impacting indoor air at the Smith residence, that there would be no need to repeat this sampling if performance monitoring during the ROW cleanup continues to support the results of the December 2013 sampling. Therefore, we request clarification as to whether Ecology is requiring that indoor air confirmation sampling is repeated at the Smith property after the ROW cleanup regardless of the performance sampling results. If it is required, we also request that Ecology provide justification for this requirement.

We appreciate Ecology's continued involvement and responsiveness on this project and look forward to hearing your thoughts on this plan.

Regards,

Piper Roelen, P.E. ♦ Senior Associate

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